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June 11, 2004

SUBMITTED ELECTRONICALLY

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

RE: MM Docket No. 99-325

Dear Ms. Dortch:

On behalf of Davidson College as licensee of non-commercial radio station WDAV, and on behalf of our Community Advisory Board and our listeners, I am pleased to submit the following comments regarding MM Docket No. 99-325.

The Commission has posed many questions in this Docket, and we will not attempt to answer them individually but will address our comments to broad categories of concern.

With respect to the primary digital channel – that is to say, the channel which duplicates and blends to the analog channel in the hybrid mode – the service and programming rules governing the analog channel should apply by default. It is the same service. We do not believe any further service or programming rules are needed. For example the Commission has sought comment on a possible requirement that broadcasters devote a minimum percentage of their schedule to “HD radio” broadcasts.

This is not television, where high HD production costs inhibit the rollout of a full HD schedule. Radio is HD now at many stations. Only the transmission system is subpar. Many stations like WDAV, a station that offers classical music 24 hours every day, will move quickly to seize the competitive advantage that DAB's improved sound quality offers. We cannot envision circumstances where a broadcaster would choose to broadcast a primary digital signal which was inferior to the analog signal.

True, the "HD" question might have some relevance in a digital-only world, but we do not believe it necessary that the Commission concern itself at this point with questions regarding a digital-only terrestrial audio broadcasting system. With 800 million analog radios currently in service, and with no spectrum to be returned if and when digital-only becomes reality, there is no reason for the government to force adoption upon the public, and no reason to believe that analog radios will become obsolete any time soon. Thus it is likely that the hybrid will be the preferred method of propagation for many years into the future, and given the pace of technological change – in the digital realm especially – it would seem premature to make decisions about a digital-only system that are almost certain to be rendered obsolete by technological change by the time such a system is fully and exclusively deployed.

We believe, then, that marketplace forces, and not the government, should determine the pace of stations' conversion and the public's adoption of terrestrial DAB. However, if the Commission wishes, as it evidently does, to foster an environment which will encourage more rapid conversion and adoption, then it should take a minimalist approach to formulating rules to govern new and innovative uses of the digital bitstream which each converted station will have at its disposal.

Much of the Docket raises questions relating to multiplexing, and it is here especially that we believe the minimalist approach to regulation is most critical. The Commission itself has stated the most compelling argument in section IV. B. 18: “A flexible DAB service policy would likely increase the ability of broadcasters to compete in an increasingly competitive marketplace, and would allow them to serve the public with new and innovative services.” We strongly concur.

National Public Radio has taken the lead in demonstrating the feasibility of dividing the bitstream in a manner that maintains near-cd quality audio on the primary digital channel while allowing for a supplemental channel of lower but still pleasing audio quality (the Tomorrow Radio Project). The Commission has stated that “We tentatively conclude that adopting DAB service rules that encourage more audio streams would promote program diversity, and that, once the Commission adopts a policy in this area, radio stations will no longer need to obtain experimental authority to broadcast multiplexed digital programming.” We agree with the Commission’s tentative conclusions, and strongly urge the adoption of rules which authorize the use of supplemental channels and minimize the restrictions placed upon them.

As an example of the potential for such channels, WDAV’s advisory board recently contemplated what the availability of a supplemental channel might allow WDAV to do. One board member with strong ties to the Hispanic community advocated a Spanish language service. Other board members, noting that our audience expects and virtually demands a consistent music service, felt that a diverse cultural service to complement WDAV’s 24 hour classical main channel could be an important extension of the station’s fundamental mission. Such a channel could provide opportunities for

discussions of cultural issues as well as experimental programs and student productions, created with or by such institutions as the Charlotte-Mecklenburg public schools, the North Carolina School for the Arts, the Community School of the Arts in Charlotte, and many other cultural institutions and artists around the region. Funding could come from participating partners, from grants, and from listener support and underwriting – traditional public radio sources. The channel might also present niche music programs which do not blend easily with the station's main channel programming but are appropriate in a broader cultural context, ranging from such extremes as avant-garde classical music to traditional forms rarely heard on radio, such as bluegrass.

Whatever the ultimate content decision, WDAV might wish to phase in such a service, filling unused periods with primary channel simulcasts or, perhaps, leasing time to other organizations for programming they wish to produce and broadcast (which in itself might well contribute to the Commission's stated goal of increasing diversity and providing access to underserved audiences). WDAV does not favor rules which would unduly restrict stations' ability to explore the widest possible range of creative options to use this new medium to serve the public interest in myriad ways.

We also urge the Commission not to unduly restrict subscription services. It may well be that important niche services which are too small or esoteric to attract advertising support can work on the subscription model. Some public radio broadcasters have also discussed the potential benefits of providing pitch free programming on an addressable channel to subscribers while fund raising on the primary channel. A major issue facing all broadcasters contemplating the use of supplementary channels is how to do so in a cost-effective manner. Broadcasters

should be free to explore the widest possible variety of revenue-generating options for these channels.

The Commission has taken special note of the status of non-commercial radio stations. As one of these stations, we at WDAV we are committed to strict adherence to the non-commercial rules on any channel which we control, and we believe that as licensee and holder of a public trust we are ultimately responsible for the content broadcast on our airwaves. However, we are reluctant to advocate hard and fast restrictions on supplemental channels which would inhibit non-commercial stations seeking creative ways to develop new revenue streams to be used to further improve service to the public.

In conclusion, we believe that terrestrial DAB has enormous potential to increase radio's value to the public, and that the Commission through its actions in response to this proposed rulemaking can lay the groundwork for a renaissance of creativity and innovation in the medium with the American public as beneficiary. We once again urge the Commission to adopt rules which allow and encourage experimentation with this new technology, and to tread lightly in areas which might inhibit its full development.

Sincerely,

F. Kim Hodgson
General Manager, WDAV